

LOCAL AGENCY FORMATION COMMISSION

COUNTY OF SAN BERNARDINO

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PROPOSAL NO.: LAFCO 3057

HEARING DATE: APRIL 18, 2007

RESOLUTION NO. 2958

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3057, A SERVICE REVIEW AND SPHERE OF INFLUENCE CONSOLIDATION FOR THE VICTOR VALLEY WATER DISTRICT AND BALDY MESA WATER DISTRICT, AS MODIFIED (consolidation of the existing spheres of influence for the Baldy Mesa Water District and the Victor Valley Water District into a single sphere of influence, said consolidated sphere of influence encompassing approximately 58,343 +/- acres, generally bordered by the Town of Apple Valley sphere of influence and boundary on the east, the Hesperia Water District sphere of influence and boundary on the south, a combination of the County Service Area 70 Improvement Zone L boundary and the City of Adelanto and its sphere of influence on the west and the existing Victor Valley Water District sphere boundary on the north (in the vicinity of the Oro Grande community). Amendments to the consolidated sphere of influence include: (a) a sphere of influence reduction encompassing approximately 400 +/- acres to exclude the territory within the Town of Apple Valley currently a part of the Victor Valley Water District sphere of influence; (b) a sphere of influence expansion to include two areas immediately north of the Hesperia Water District sphere of influence generally identified as: (i) encompassing 160 +/- acres bounded by Goss Road on the north, Bellflower Street on the east, Mesa Street on the south, and Verbena Road on the west and (ii) encompassing approximately 10 +/- acres generally bounded by parcel lines on the north, Daisy Road on the east, Mesa Street on the south and Aster Road on the west; and (c) the exclusion of the non-contiguous portion of the Baldy Mesa Water District from the sphere of influence).

On motion of Commissioner Colven, duly seconded by Commissioner Pearson, and carried, the Local Agency Formation Commission adopts the following resolution:

WHEREAS, a service review mandated by Government Code Section 56430 and a sphere of influence update mandated by Government Code Section 56425 have been conducted by the Local Agency Formation Commission of the County of San Bernardino (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.); and,

WHEREAS, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by this Commission on this matter; and,

WHEREAS, the Executive Officer has reviewed available information and prepared a report including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

WHEREAS, a public hearing by this Commission was called for February 21, 2007 and continued to March 21, 2007, at the time and place specified in the original notice of public hearing and in any order or orders continuing the hearing; and,

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WHEREAS, at the hearing, this Commission heard and received all oral and written protests; the Commission considered all objections and evidence which were made, presented, or filed; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the review, in evidence presented at the hearing; and,

WHEREAS, a statutory exemption has been issued pursuant to the provisions of the California Environmental Quality Act (CEQA) indicating that this service review and sphere of influence update are statutorily exempt from CEQA and such exemption was adopted by this Commission on March 21, 2007. The Clerk was directed to file a Notice of Exemption within five working days of its adoption; and,

WHEREAS, based on presently existing evidence, facts, and circumstances filed with the Local Agency Formation Commission and considered by this Commission, it is determined that the spheres of influence for the Baldy Mesa Water District and Victor Valley Water District should be consolidated into a single sphere of influence which should be modified to: (1) exclude the existing territory within the Town of Apple Valley currently within the Victor Valley Water District sphere, as more specifically described in maps on file in the LAFCO staff office; (2) to include the territory north of the Hesperia Water District sphere of influence identified as two areas north of Mesa Street between Aster Road and Bellflower Street, providing for a coterminous sphere of influence with that of the Victorville community, as more specifically described in maps on file in the LAFCO staff office; and (3) exclude the non-contiguous portion of the existing Baldy Mesa Water District boundary from the sphere of influence; and,

WHEREAS, the determinations required by Government Code Section 56430 and local Commission policy are included in the report prepared and submitted to the Commission dated February 9, 2007, the Supplemental Staff Report dated February 12, 2007 which was received and filed by the Commission on March 21, 2007, a complete copy of which is on file in the LAFCO office, and they are not reiterated here; and,

WHEREAS, the following findings are made in conformance with Government Code Section 56425 and local Commission policy:

1. Present and Planned Land Uses

The consolidation of the spheres of influence of the two Water Districts to reflect the Victorville community sphere of influence encompasses approximately 91 +/-square miles of territory. The Baldy Mesa Water District (BMWD) encompasses approximately 26.7 square miles of territory. The present and planned land uses in the District's service territory represent varying levels and intensities of urban development within the unincorporated County areas, as well as within the City of Victorville corporate boundaries. Due to the limitation of service providers, the unincorporated territory does not support an urban intensity land use. The Victor Valley Water District (VVWD) encompasses approximately 58 square miles of territory. The present and planned land uses in the District's service territory represent varying levels and intensities of urban development as defined by the City of Victorville General Plan and County of San Bernardino General Plan.

2. Present and Probable Need for Public Facilities & Services

The present and probable need for the services provided by the BMWD are expected to expand as the region's population increases. BMWD currently serves a population of about 24,900 through approximately 7,500 service connections. The area's service population is expected to grow to approximately 215,000 by 2025 and is projected to require 65,000 service connections. The VVWD presently serves approximately 81,510 people through 24,700 service connections. VVWD's service population is expected to increase more than 63 percent by 2030, growing to in excess of 100,000 people. The present and probable need for the District's services will increase as the population in the region rises. The consolidation of the sphere of influence points toward the consolidation of the two Water Districts into a single entity responsible for planning the delivery of water services within the existing City of Victorville General Plan boundary, anticipated to be home to more than 300,000 residents at build-out.

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3. Present Capacity of Public Facilities and Adequacy of Public Services

The BMWD provides only retail water service within its current service territory, while it is presently authorized to provide water and sewer services. The groundwater basins that serve as the BMWD's primary water supply are over-drafted, and the District's water supply exceeds Federal and State limits for arsenic. The VVWD provides retail water service within its current service territory. The groundwater basins that serve as the District's, and other North Desert water suppliers' including the BMWD, primary water supply are over-drafted. Both the BMWD and VVWD, in conjunction with other agencies, are planning for reductions in the water supply, augmentation of recharge, conservation efforts, and treatment facilities to address arsenic levels in the water supply. Consolidation of the spheres of influence into a single sphere representing the Victorville community will facilitate the coordination of these efforts.

4. Social & Economic Communities of Interest

The majority of the VVWD's service territory overlaps the City of Victorville. Residents are both District customers and City residents and, therefore, share social and economic interests. Portions of the BMWD's service territory overlap the City of Victorville; therefore, the District's customers are also residents of the City and share social and economic interests. Portions of the District are unincorporated; and, while those areas are also within the City's sphere of influence, it is likely that some, if not most, residents in the unincorporated areas do not believe they share social or economic ties with the City. However, since the 1970's the social and economic community of interest as recognized by LAFCO for the Victorville community has been defined by the combined spheres of influence of the BMWD and VVWD, which reflect the sphere of influence assigned the City of Victorville and its Subsidiary Districts.

5. Other Findings

- A. Notice of the original hearing was published as required by law in The Sun and the Daily Press, newspapers of general circulation in the area. As required by state law and Commission policy an 1/8th page legal ad was provided for this consideration.
- B. Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determination.

WHEREAS, pursuant to the provisions of Government Code Section 56425(h) the range of services provided by the BMWD shall be limited to water service including retail, agricultural, domestic and replenishment. Sewer service shall be excluded from the range of services provided as it is currently provided by the Victorville Sanitary District. Pursuant to Government Code Section 56415(h) the range of services provided by the VVWD shall be limited to water service including retail, agricultural, domestic, and replenishment. This determination of range of services for each entity shall not be changed unless approved by this Commission; and,

WHEREAS, having reviewed and considered the findings as outlined above, the Commission: (1) determines to consolidate and affirm the spheres of influence of the BMWD and VVWD except as modified as follows: (a) reduce the sphere of influence for the VVWD to exclude the territory currently within the Town of Apple Valley easterly of the Mojave River, northerly of Bear Valley Road; (b) expand the sphere of influence for the BMWD providing for minor expansions along its southwestern boundary to be coterminous with the sphere of influence assigned the City of Hesperia as it currently exists; and (c) exclude the non-contiguous portion of the existing BMWD boundary from the consolidated sphere of influence. These changes are depicted on maps on file in the office of the Local Agency Formation Commission for San Bernardino County.

NOW, THEREFORE, BE IT RESOLVED by the Local Agency Formation Commission of the County of San Bernardino, State of California, that this Commission shall consider the territory, described on maps on file in the LAFCO office, as being within the consolidated sphere of influence for the BMWD and VVWD, it being fully understood that establishment of such a sphere of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants.

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BE IT FURTHER RESOLVED that the Local Agency Formation Commission of the County of San Bernardino, State of California, does hereby determine that the BMWD and VVWD shall indemnify, defend, and hold harmless the Local Agency Formation Commission of the County of San Bernardino from any legal expense, legal action, or judgment arising out of the Commission's approval of the sphere of influence consolidation, including any reimbursement of legal fees and costs incurred by the Commission.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission of the County of San Bernardino by the following vote:

AYES: COMMISSIONERS: Biane, Colven, Cox, Hansberger, McCallon, Nuaimi, Pearson


NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: None

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, KATHLEEN ROLLINGS-McDONALD, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of April 18, 2007.

DATED: April 20, 2007


KATHLEEN ROLLINGS-McDONALD
Executive Officer